

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ **MAY 21 2019** ★

LONG ISLAND OFFICE

**SHERAZ KHALID, SURESH PATEL and
MOHAMMED SALEH, Individually and on
Behalf of All Others Similarly Situated,**

Plaintiffs,

15 Civ. 5926 (SJF)(GRB)

-against-

**DJ SHIRLEY 1 INC. d/b/a DUNKIN'
DONUTS, DJ HOLBROOK INC. d/b/a
DUNKIN' DONUTS, DJ SOUTHHOLD, INC.
d/b/a DUNKIN' DONUTS, SANJAY JAIN,
NEERJA JAIN, and JOHN DOE CORPS. #1-
13, Jointly and Severally,**

Defendants.

**ORDER CERTIFYING PLAINTIFFS' NYLL WAGE NOTICE AND
SPREAD-OF-HOURS CLAIMS AS A RULE 23 CLASS ACTION**

The above-captioned matter came before the Court by Motion for Certification of Plaintiffs' New York Labor Law Claims as a Rule 23 Class Action, and the Court, having reviewed the said Motion and the proposed Notice of Pendency of Class Action,

ORDERS that IT IS HEREBY ORDERED that:

1. Plaintiffs' New York Labor Law ("NYLL") claims for failure to provide wage notice and spread-of-hours pay are certified as a Rule 23(b)(3) class action on behalf of a class defined as: "all hourly employees who worked in excess of forty (40) hours in any workweek and/or worked a shift or split-shift in excess of ten (10) hours at any time from October 14, 2009 through the present, for any Dunkin' Donuts or combination Dunkin' Donuts/Baskin Robbins/Nathan's location owned and/or operated by Sanjay Jain and/or Neerja Jain in New York" (the "Class") (the "Class"); and

2. Plaintiffs Sheraz Khalid, Mohammed Saleh and Suresh Patel are certified as class representatives for the Class; and

3. Pelton Graham LLC is appointed Class Counsel; and

4. The class action notice entitled "NOTICE OF PENDENCY OF CLASS ACTION," filed herewith as Docket Number 110-2 is hereby approved for mailing to the Class; and

5. Defendants shall provide to Plaintiffs, within ten (10) days following the date of this Order, the names, addresses, phone numbers and email addresses of all potential class and subclass members from on or after October 14, 2009 to 5/21/19. [REDACTED] This information shall be supplied digitally in one of the following formats: Microsoft Excel; or Microsoft Word.

6. Plaintiffs shall mail the Notice of Pendency of Class Action to all potential class members no later than ten (10) days following Defendants' disclosure of the contact information for the Class members; and

7. Class members may exclude themselves from the Class by sending a written request within thirty (30) days from mailing of the Notice of Pendency of Class Action to Class Counsel.

It is **SO ORDERED** this 21ST day of May, 2018

s/ Sandra J. Feuerstein

Honorable Sandra J. Feuerstein
United States District Judge